

Amendments to the Drawings:

Replacement sheets are attached to formalize all of the drawings. Additionally, the attached drawing sheets include changes to Figures 3 and 7. In Figure 3, reference number designations are added to identify the series resonant circuit structure 20, including the capacitor electrode 22, the line 24, and the supply lines 26. In Figure 7, the example designations $d_{medium} = 25\mu m$ and $\epsilon_{medium} = 20$ are amended for layers 14 and 14'.

REMARKS/ARGUMENTS

In the Office Action mailed December 3, 2007, claims 1, 2, and 6-8 were rejected. Additionally, claims 5 and 9 were objected to, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. In response, Applicant hereby requests reconsideration of the application in view of the amended claims and the below-provided remarks.

For reference, claims at 1, 2, 6, and 7 are amended. In particular, claim 1 is amended to improve the form of the claim. Claim 2 is amended to improve the form of the claim, to remove the reference number designations, to recite the common plane, and to recite the capacitor electrode and the line. Claim 6 is amended to depend from claim 2 and to define the parameters used in the recited equation. Claim 7 is amended to depend from claim 2. Applicant respectfully submits that these amendments are supported by the original disclosure of the application.

Additionally, claims 11-21 are added. In particular, claim 11 recites limitations related to the limitations previously recited in claims 1 and 5. Accordingly, claim 5 is canceled. Claims 12-16 recite limitations related to the limitations previously recited in claims 2 and 6-9. Claim 17 recites limitations related to the limitations previously recited in claims 1 and 9. Accordingly, claim 9 is canceled. Claims 18-21 recite limitations related to the limitations previously recited in claims 2 and 6-8. Applicant respectfully submits that these amendments do not introduce new matter.

Objections to the Disclosure

As a preliminary matter, Applicant appreciates the Examiner's detailed attention to the language of the disclosure, including the specification, claims, and drawings. The following remarks explain Applicant's attempt to address each of the objectionable issues raised by the Examiner in the present Office Action.

The disclosure is objected to for excluding subheadings to delineate the different sections of the specification. The Office Action suggests that section headings need to be added to the specification, according to the guidelines set forth in the MPEP. Applicant notes that the suggested section headings are not required and, hence, Applicant

respectfully declines to amend the specification to include the indicated section headings. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The disclosure at page 2, line 11, is objected to for use of the language “point 1 to point 2.” Applicant submits that the specification is amended to delete the indicated language. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The replacement paragraph for the paragraph beginning on page 4, line 27, is objected to for several matters of language. Applicant submits that the specification is amended to address the indicated language. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The disclosure at page 5, lines 5-6, for the description of Fig. 3 is objected to as needing further elaboration. Applicant submits that the specification is amended to reference the capacitor electrode 22, a line 24, and the supply lines 26 shown in the figure. Corresponding amendments are presented in the figure. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The replacement paragraph for the paragraph beginning on page 5, line 10, is objected to for matters of language. Applicant submits that the specification is amended to address the indicated language. The specification is also amended to reference Fig 5(a), as suggested in the Office Action. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The disclosure is also objected to as needing to describe several reference number designations corresponding to the figures. Applicant submits that the specification is amended to describe the drawing elements indicated by the reference number designations, as suggested in the Office Action. Accordingly, Applicant respectfully requests that this objection to the disclosure be withdrawn.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, in particular, the ratios of w to h₁ and h₂. Applicant submits that the specification is amended to describe the indicated ratios. Accordingly, Applicant respectfully requests that this objection to the specification be withdrawn.

Claim Rejections under 35 U.S.C. 112, second paragraph

Claims 2, 6, and 7 were rejected under 35 U.S.C. 112, second paragraph. In particular, claims 6 and 7 were rejected for improperly depending from canceled claim 3. Applicant submits that claims 6 and 7 are amended to depend from claim 2.

Additionally, claim 6 was rejected as needing to define the parameters of the equation. Applicant submits that claim 6 is amended to define the indicated parameters.

Accordingly, Applicant respectfully requests that the rejection of claims 6 and 7 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim 2 was apparently objectionable for omission of a status identifier in the previous response, as well as inclusion of reference number designations in the body of the claim. Applicant submits that the present response includes a status identifier and, although not required, deletes the reference number designations, as requested in the Office Action. Additionally, the Office Action suggests that claim 2 recite the common plane, the capacitor electrode, and the line. Applicant submits that the language of claim 2 is amended according to the suggested language in the Office Action. Accordingly, Applicant respectfully requests that the objection to and/or rejection of claim 2 under 35 U.S.C. 112, second paragraph, be withdrawn.

Claim Rejections under 35 U.S.C. 103

Claims 1, 2, and 8 were rejected under 35 U.S.C. 103(a) as being unpatentable over Komazaki et al. (U.S. Pat No. 5,124,675, hereinafter Komazaki) in view of Saitoh et al. (U.S. Pat. No. 4,352,076, hereinafter Saitoh). However, Applicant respectfully submits that these claims are patentable over Komazaki and Saitoh for the reasons provided below.

No Prima Facie Rejection of Independent Claim 1

As a preliminary matter, the rejection of claim 1 is improper because the Office Action does not establish a *prima facie* rejection for claim 1. In order to establish a *prima facie* rejection of a claim under 35 U.S.C. 103, the Office Action must present a clear articulation of the reason why the claimed invention would have been obvious.

MPEP 2142 (citing *KSR International Co. v. Teleflex Inc.*, 550 U.S. __ (2007)).

Here, the Office Action fails to explain why the claim limitations of claim 1 would have been obvious because the Office Action does not acknowledge the actual language of claim 1. In particular, the Office Action fails to acknowledge that claim 1 recites “wherein the metallization structure has a capacitor electrode and a line that acts as a coil, where the capacitor electrode and the line are arranged in a common plane which lies parallel to the ground electrode at a distance h_1 ” (emphasis added). While the Office Action asserts (without support) that the cited references purportedly describe a capacitor electrode and a line, as recited in the claim, the Office Action does not even make an assertion that the cited references might describe the capacitor electrode and the line arranged in a common plane. Furthermore, the Office Action does not assert that the indicated limitation might otherwise be obvious in light of the cited references. Thus, the Office Action fails to address the “common plane” limitation of claim 1.

Therefore, the Office Action fails to establish a *prima facie* rejection for claim 1 because the Office Action does not assert or show how the cited references might teach a capacitor electrode and a line arranged in a common plane, according to the language of the claim. This failure to address at least one limitation of the claim shows that the Office Action fails to provide a clear articulation of the reason why the claimed invention would have been obvious. Accordingly, Applicant respectfully submits that the rejection of claim 1 under 35 U.S.C. 103(a) should be withdrawn because the Office Action fails to establish a *prima facie* rejection.

No Teaching of Limitations of Independent Claim 1

Claim 1 recites “a metallization structure which is arranged on the dielectric layer and is arranged at a distance from a ground electrode, wherein the metallization structure has a capacitor electrode and a line that acts as a coil, where the capacitor electrode and the line are arranged in a common plane which lies parallel to the ground electrode at a distance h_1 ” (emphasis added).

In contrast, the combination of cited references does not teach a capacitor electrode and a line, as recited in the claim. It should be noted that the Office Action relies on Komazaki as inherently teaching a capacitor electrode and a line. The Office Action does not rely on Saitoh as teaching the indicated limitations.

Despite the assertions in the Office Action, Komazaki does not teach a capacitor electrode and a line, as recited in the claim, because there is no structure identified in the Office Action as purportedly being a capacitor electrode and a line, as recited in the claim. Rather, the Office Action merely relies on an unsupported conclusion that the indicated limitations are inherently described because “resonators inherently function as a ‘coil’ … and a capacitor electrode.” However, this assertion based on inherency, without support from the disclosure of Komazaki or other teachings available in the art, should not be considered sufficient to teach the actual limitations of the claim. In fact, there is a noticeable lack of disclosure by Komazaki because, based on the lack of analysis in the present Office Action, Komazaki fails to describe any physical structures which correspond to the physical structures recited in the claim. Given this lack of disclosure of actual structures, the Office Action’s argument that such physical structures are inherently described, although not shown or correlated with any of the structures which are described in Komazaki, should be considered insufficient to support the assertion that Komazaki purportedly teaches a capacitor electrode and a line, as recited in the claim.

Therefore, the combination of cited references does not teach a capacitor electrode and a line because Komazaki describes a different type of structural arrangement, without providing any explicit or inherent description of a capacitor electrode and a line, as recited in the claim. Accordingly, Applicant respectfully asserts claim 1 patentable over the cited references because the combination of cited references does not teach all of the limitations of the claim.

Claims 2 and 6-8 depend from and incorporate all of the limitations of independent claims 1. Applicant respectfully asserts claims 2 and 6-8 are allowable based on an allowable base claim. Additionally, each of claims 2 and 6-8 may be allowable for further reasons.

Independent Claim 11

Applicant respectfully asserts independent claim 11 is patentable over the cited references because independent claim 11 recites limitations previously recited in claim 5, which the Office Action recognizes as being directed towards allowable subject matter. Since claims 12-16 depend from and incorporate all of the limitations of independent

claims 11, Applicant respectfully asserts claims 12-16 are allowable based on an allowable base claim. Additionally, each of claims 12-16 may be allowable for further reasons.

Independent Claim 17

Applicant respectfully asserts independent claim 17 is patentable over the cited references because independent claim 17 recites limitations previously recited in claim 9, which the Office Action recognizes as being directed towards allowable subject matter. Since claims 18-21 depend from and incorporate all of the limitations of independent claims 17, Applicant respectfully asserts claims 18-21 are allowable based on an allowable base claim. Additionally, each of claims 18-21 may be allowable for further reasons.

CONCLUSION

Applicant respectfully requests reconsideration of the claims in view of the amendments and remarks made herein. A notice of allowance is earnestly solicited.

At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account **50-3444** pursuant to 37 C.F.R. 1.25. Additionally, please charge any fees to Deposit Account **50-3444** under 37 C.F.R. 1.16, 1.17, 1.19, 1.20 and 1.21.

Respectfully submitted,
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